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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,014 05/03/2005		Hideo Hosono	MOR-C469	7683
75	90 03/29/2006		EXAMINER	
George A. Loud, Esquire			PEACE, RHONDA S	
BACON & THO				
Fourth Floor		ART UNIT	PAPER NUMBER	
625 Slaters Lane		2874		

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/507,014	HOSONO ET AL.	
Examiner	Art Unit	V
Rhonda S. Peace	2874	

	Rhonda S. Peace	2874	
The MAILING DATE of this communication appe	ars on the cover sheet with the o	orrespondence add	ress
THE REPLY FILED 13 March 2006 FAILS TO PLACE THIS AP			
1. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:	the same day as filing a Notice of ving replies: (1) an amendment, af tice of Appeal (with appeal fee) in	Appeal. To avoid aba fidavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)
 a)	dvisory Action, or (2) the date set forth		
Examiner Note: If box 1 is checked, check either box (a) or (TWO MONTHS OF THE FINAL REJECTION. See MPEP 70	b). ONLY CHECK BOX (b) WHEN TH		
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of extunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	ension and the corresponding amount shortened statutory period for reply orig than three months after the mailing da	of the fee. The appropr inally set in the final Offi	iate extension fee ce action; or (2) as
2. The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any external Notice of Appeal has been filed, any reply must be filed AMENDMENTS	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	ns of the date of e appeal. Since
 The proposed amendment(s) filed after a final rejection, They raise new issues that would require further contact. 	nsideration and/or search (see NO		ecause
 (b) ☐ They raise the issue of new matter (see NOTE belo (c) ☐ They are not deemed to place the application in bet appeal; and/or 	ter form for appeal by materially re		the issues for
(d) ☐ They present additional claims without canceling a NOTE: (See 37 CFR 1.116 and 41.33(a)).	corresponding number of finally rej	ected claims.	
4. The amendments are not in compliance with 37 CFR 1.13.5. Applicant's reply has overcome the following rejection(s)		empliant Amendment	(PTOL-324).
 Newly proposed or amended claim(s) would be al non-allowable claim(s). 	lowable if submitted in a separate,	timely filed amendme	ent canceling the
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is provided that the status of the claim(s) is (or will be) as follows:		ll be entered and an e	explanation of
Claim(s) allowed: Claim(s) objected to:	· .		
Claim(s) rejected: 1, and 3-123-5,7,8, and 10-13 Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE			·
 The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e). 			
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to of showing a good and sufficient reasons why it is necessary	vercome <u>all</u> rejections under appe y and was not earlier presented. S	al and/or appellant fa See 37 CFR 41.33(d)(ils to provide a 1).
10. The affidavit or other evidence is entered. An explanation	n of the status of the claims after e	ntry is below or attacl	ned.
REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered bu See confinuation sheet	t does NOT place the application i	n condition for allowa	nce because:
12. Note the attached Information Disclosure Statement(s).	(PTO/SB/08 or PTO-1449) Paper I	No(s)	
13. Other:	. ,	. 1	10
	A . A	Krandy)	· Slace
	John D. Jee	Rhonda S. Peace Examiner	! Slace 3pape
	/ John D Lee	Art Unit 2874	/ / /
	Primary Examiner		

Independent claim 1 would be rejected under 103(a) in view of Hideo (US 6944380). Independent claim 7 would be rejected under 103(a) with Hideo et al in view of Hammons et al (US 6548225).

Applicant's arguments pertaining to claims 1 and 7 are not persuasive.

For claim 1, the Applicant asserts Hideo et al fails to disclose a germanium free core. The Examiner disagrees. Hideo et al describes a silica glass core doped with fluorine, and makes no mention of germanium. Further, the Applicant asserts the Examiner ignores the Applicant's statement that "it was impossible to fabricate gratings on a core made from silica glass free of germanium" prior to the Applicant's invention. The Examiner respectfully acknowledges the Applicant's statement, however, in Hideo et al, the fluorine allows the silica glass to change its refractive index under irradiation conditions. The fluorine doping allows the desired change in refractive index while providing for a germanium-free core.

Applicant's arguments regarding claim 7 are not persuasive. Applicant asserts Hideo et al in view of Hammon et al fail to disclose claim 7, as Hammon uses a "UV beam," and not a "laser beam." Figure 3 of Hammons et al clearly shows the interference of two beams to produce a grating. Further, it is well known in the art that the term "UV beam" is a laser beam operating in the UV range.

John D. Lee John D. Lee Primary Examiner